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1922

CHARTER

of the

City of San Antonio



CHARTER

—OF THE—

City of San Antonio

Compiled and Indexed by

U. S. ALGEE

Of the San Antonio Bar.

1922

Published and Issued by Authority of
THE COMMISSIONERS OF THE CITY
OF SAN ANTONIO.



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Charter of the City of San Antonio

AS CONTAINED IN

Chapter XLIV, Special Laws Twenty-eighth Legislature (1903, p. 322), as amended by Chapter LXX, Special Laws Thirtieth Legislature (1907, p. 562), Chapter CII, Special Laws Thirty-second Legislature (1911, p. 878), and by amendments adopted at an election held on February 24th, A. D. 1914, of record in the office of the Secretary of State in Book No. 2 of Records of City Charters and Amendments, pages 241 to 298, Inclusive.*

Section 1.** That the inhabitants of the City of San Antonio, in Bexar County, State of Texas, residing within the territory hereinafter described, shall continue to be and are hereby constituted a body politic and corporate, incorporated by the name of City of San Antonio, and by that name shall have perpetual succession, and shall have and shall succeed to all the rights, property, real, personal, and mixed, immunities, powers, privileges and franchises now held, possessed and enjoyed by said City or herein granted and be subject to all its present duties and liabilities, subject to the limitations prescribed in this Charter, and may have a corporate seal, sue and be sued,

* There is omitted from this compilation Chapter 14, General laws of the Thirty-first Legislature (1907, p. 402), now contained in the Revised Civil Statutes of Texas for 1911, being therein Chapter XI in Title 22, and known as Articles 1006 to 1017, inclusive, which said Act was lawfully adopted by the City of San Antonio as a part of the organic law of said City as the result of a special election held on June 30th, 1913.

**Amendment of 1911.

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June 1924 - g. city commissioners

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plead and be impleaded in all courts, contract and be contracted with, ordain and establish such acts and regulations and ordinances not inconsistent with the Constitution and laws of this State, as shall be needed for the government, interest welfare and good order of said City; take, hold, acquire and convey, lease and dispose of any property whatever in said city limits, and for sewer, sanitary, cemetery and other corporate purposes, to acquire necessary property by purchase or condemnation within or without the city limits, and to lease, convey and alien the same when no longer required; provided, that the City shall not sell the present "sewer farm," containing about five hundred and thirty acres, nor rent or lease the same for any purpose for a term exceeding one year, at any one time; provided, however, that said "sewer farm," or any part thereof, may be subdivided into lots to be used or sold by the City for cemetery purposes only.

Section 2.* The bounds and limits of said City, within which said corporation shall have jurisdiction shall include six miles square, of which the sides shall be equi-distant from what is known as the cupola of the cathedral of San Fernando, and three miles therefrom, with lines running east, west, north and south, which bounds shall be ascertained and established under the direction of the City Council; provided, however, that said City shall also have jurisdiction extending over all property that it may own or hereafter acquire for corporation purposes outside of the limits of said City.

Section 3.* The City Council shall divide the City into eight wards, fixing the boundaries thereof so that each ward shall contain as nearly as possible, the same number of electors, the boundaries of which wards said Council may change from time to time as it may deem expedient. The Council shall also divide

*Act of 1903.

each ward into suitable election precincts so that each precinct shall contain as nearly as possible the same number of electors, and the Council may change such precincts from time to time as it may deem expedient. No change in wards or precincts shall be made within six months next preceding an election in said City, and the present wards and election precincts shall remain as now fixed until, in the judgment of the City Council, a change may be necessary.

Section 4.* All elections shall be held in accordance with the laws of the State and this charter, and returns of such elections shall be made to the Mayor in the same manner as such returns are made under the State laws governing elections, but the City Council may adopt such other methods and regulations to protect the purity of the ballot as it may deem proper, not contrary to the laws of this State. The qualifications of voters shall be the same as are now or may hereafter be prescribed in the Constitution and laws of this State.

Section 5.* In elections in which property taxpayers only are allowed to vote under this charter, only those who are actual taxpayers and whose names appear on the last assessment roll of the City shall be deemed property taxpayers, but if the name of any person offering to vote, he being otherwise qualified does not appear on said tax roll and such person produces his property tax receipt of the preceding year and makes affidavit that he has paid the same, he shall be entitled to vote, but the word "sworn" shall be written on the back of his ballot and opposite his name on the poll lists.

Section 6.* All officers of election shall be selected by the Council and shall be qualified voters of said City and of the

*Act of 1903.

election precincts in which they are to serve. The Council shall provide such compensation for all officers of election as is provided by the laws of the State and may, by ordinance, further regulate and define their duties and powers.

Section 7.* Paragraph 1: The municipal government of said City shall consist of a Board of Commissioners, composed of a Mayor and four Commissioners, who, together, shall be known as the Commissioners of the City of San Antonio. The Mayor and Commissioners shall be elected, as hereinafter provided, for a period of two years, and shall hold office until their successors have qualified; and said Commissioners shall have and exercise all powers and discretions vested by this Charter, or otherwise, in the governing body of said City, whether such governing body shall be in any part of said Charter or other instrument, termed City Council, Board of Commissioners or Commissioners, provided however, that the first election of a Mayor and Commissioners shall be held on the second Tuesday in May, 1915.

Paragraph 2: The executive and administrative powers, authorities and duties shall be distributed in and among five (5) departments, as follows:

- A. The Department of Public Affairs in General;
- B. The Department of Taxation;
- C. The Department of Sanitation, Parks and Public Property;
- D. The Department of Streets and Public Improvements and,
- E. The Department of Fire and Police.

Paragraph 3: The Mayor shall be at the head and have charge of the Department of Public Affairs in General, and shall have

*Amendment of 1914.

the general supervision and oversight of all departments and offices, officers and employees of the City. He shall be chairman of the Board of Health. He shall sign all contracts and obligations on behalf of the City; provided, that should the Mayor refuse to sign any contract or obligation, the same shall become effective without his signature upon being signed by any three of the other Commissioners. He shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance or by resolution of the Commission. It shall also be the duty of the Mayor to preside at all meetings of the Board of Commissioners and to appoint such committees as may be provided by ordinance, order or resolution of the Board. All powers and duties not distributed or assigned to some other department are hereby assigned to the Mayor.

Paragraph 4: The Commissioner of Taxation shall have special charge of the assessment and collection of taxes and the collection of all other revenues of the City. He shall have charge of and supervise all accounts and records, except as otherwise provided herein. He shall inspect or cause to be inspected at least quarterly all records and accounts required to be kept by the City Auditor, and make reports thereof to the Commission. The Commissioner of Taxation shall, within ten (10) days after he has qualified, enter into a bond with two (2) or more good and sufficient sureties, payable to the Mayor of the City of San Antonio, or his successors in office, in the sum of One Hundred Thousand (\$100,000.00) Dollars, said bond to be approved by a majority of the other Commissioners, and to be conditioned on the faithful performance of his duties. He shall be required to deposit daily in the City depository all funds collected by him.

Paragraph 5: The Commissioner of Sanitation, Parks and Public Property shall have under his special charge the care and maintenance of sanitation. He shall have control of all parks and pleasure grounds, watercourses and sewers, the City

Hall and Market House, with the grounds adjoining the same, and all other buildings and grounds belonging to or controlled by the City; provided the Commissioner of Fire and Police shall have charge of the buildings and grounds pertaining to his department; provided, however, he shall have no control or supervision over the improvement or maintenance of streets. He shall have charge of and supervision of all cemeteries in or belonging to the City, and over all property belonging to or used in connection with such cemeteries. He shall perform such duties as may be prescribed by ordinance for the maintenance and protection of all public buildings and parks and other property under his jurisdiction.

Paragraph 6: The Commissioner of Streets and Public Improvements shall have under his special charge the construction and improvement and maintenance of all highways in the City. He shall perform such other duties as may be provided by the Commissioners.

Paragraph 7: The Commissioner of Fire and Police shall have under his special charge the enforcement of all fire and police regulations of the City. He shall have supervision of the police and fire departments and the City pound. He shall perform such other duties as may be provided by the Commission. He shall also be charged with the duty of lighting the City.

Paragraph 8: The Mayor and each Commissioner shall have all powers necessary or incident to a proper discharge of the duties hereby imposed upon them to the same extent as though such powers were specifically set forth herein; provided, that each of said officers shall be subject always to the direction and control of the majority of the Commissioners.

Section 8.* No person shall be elected or appointed to any office in said City unless he possess the qualifications of an elector under the laws of the State and City, and has resided twelve months next preceding the election within the limits of the City; and no person shall be elected or appointed to the office of Ward Alderman unless, in addition to the above qualifications he be a resident of the ward from which he may be elected or appointed at the time of such election or appointment, and if a Ward Alderman shall remove from the ward from which he was elected or appointed, his office shall be deemed vacant.

Section 9.** At the City election to be held on the second Tuesday in May, 1915, and at each City election thereafter, there shall be elected by the qualified voters of the City, a Mayor, a Commissioner of Taxation, a Commissioner of Sanitation, Parks and Public Property; a Commissioner of Streets and Public Improvements, and a Commissioner of Fire and Police; and all such elective officers shall qualify in their respective office to which they have been elected, on or within ten days after the first day of June, after their election; and said officers shall hold their offices for two years, and until their successors have been elected and qualified.

Section 10.** That all elective officers of said City shall be subject to removal or suspension from office by the affirmative vote of three Commissioners for incompetency, official misconduct, or habitual drunkenness; provided, that no elective officer shall be removed or suspended from office until charges in writ-

*Act of 1903.

**Amendment of 1914.

ing are filed against him and he is given an opportunity of a fair hearing before the Board of Commissioners.

Section 11.* No member of the Board of Commissioners, or other City official, shall hold any other office or employment under the City, and no Mayor, Commissioner, officer, employee, or servant of the City shall be directly or indirectly interested in any purchase, sale, business, work or contract, the expense, price or consideration of which is paid from the City treasury, or by an assessment levied by the Board of Commissioners, nor purchase City warrants or claims against the City or any interest therein, nor be surety of any person or persons having a contract of any kind or business with the City for the performance of which security may be required. Any Mayor, Commissioner, officers, servant or agent of the City violating this section shall be removed from office and discharged from service by the Board of Commissioners. No Commissioner shall vote upon any question in which he has any interest distinct from that of the citizens at large, but in such case he shall disclose such interest and be excused from voting.

Section 12.** Paragraph 1: All elective officers under this Charter shall be elected at the regular municipal election which shall be held on the second Tuesday in May, 1925, and on the second Tuesday in May every two years thereafter. Of such election at least twenty days previous notice shall be given by proclamation, and such election shall be ordered by the Mayor, and in case of his failure to order the same it may be ordered by the Board of Commissioners, or any two members thereof. All elections shall be held in accordance with the general laws

*Amendment of 1914.

**Amendment of 1923.

of this State, and the qualifications of voters shall be the same as prescribed in the Constitution and Laws of this State; the officers of all elections shall be elected by the Commissioners in open meeting, and shall be qualified voters of said City and of the precinct in which they are to serve; provided, that each candidate for Mayor, or any two candidates for Commissioner, shall have the right to select a supervisor in and for each precinct, who shall watch the marking of ballots of illiterate voters, and perform such other duties as shall be prescribed by the General Laws of the State, and such candidates shall furnish the names of the supervisors to said Commissioners at least five (5) days before said election. All officers of election selected by such Commissioners shall be selected not less than ten days before the election, and no person shall be selected as an officer of ~~any~~ election who holds any office of trust, or profit, or employment, under the City of San Antonio, or any of its departments.

Paragraph 2: Any person desiring to become a candidate for Mayor or Commissioner, shall at least twenty days prior to said election, file with the City Clerk a statement announcing his candidacy, and name therein the office for which he may be a candidate. Immediately, upon the expiration of the time of the filing of statements above provided, the City Clerk shall cause to be published for three successive days in some daily newspaper published in said City, the names of the candidates as they are to appear upon the ballot, and the City Clerk shall cause the ballot to be printed. The names of all candidates for such office shall be arranged alphabetically on said ballot, according to their surnames, and immediately above the names of such candidates shall be placed the words "Vote for one only," and the voting for more than one candidate for any office shall void the ballot as to that office, but not as to

any other office. The ballot shall be printed upon plain, substantial white paper, without any designation or remarks of any kind and shall be substantially in the following form:

Official Election Ballot.

Election of the City of San Antonio, Texas, held on the.....
day of.....

For Mayor.

(Vote for one only.)

.....
.....
.....

For Commissioner of Taxation.

(Vote for one only.)

.....
.....
.....

For Commissioner of Sanitation, Parks and Public Property.

(Vote for one only.)

.....
.....
.....

For Commissioner of Streets and Public Improvements.

(Vote for one only.)

.....

.....

.....

For Commissioner of Police and Fire.

(Vote for one only.)

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Paragraph 3: The City Clerk shall cause to be delivered to the respective judges of election, on the day before said election, at least twice the number of ballots as there may appear poll tax receipts and exemption certificates to have been issued to the voters in each precinct.

Paragraph 4: The judges of election shall count the votes and ascertain the number of votes cast in their respective precincts for each of the candidates, in accordance with the State election laws for the time being, and make returns thereof before twelve o'clock, noon, of the next succeeding day, upon proper blanks which shall be furnished by said City for that

purpose. Said returns shall be made in quadruplicate, one of which shall be delivered to the Mayor, one to the City Clerk, one to be placed in the box before sealing, and one to be retained by the presiding officer. On the day following the election, the Mayor and Commissioners shall meet and canvass the returns and declare the result; and the candidate receiving the largest number of votes for each office shall be declared elected.

Paragraph 5: In case of any special election to fill vacancies, the same rules and regulations governing general elections shall prevail.

Section 13.* Every person elected or appointed to office in said City shall, before entering upon the duties of his office, take and subscribe the official oath prescribed by the State Constitution and shall give such bond and security for the faithful discharge of his duties as may be required by the ordinances of the City.

Section 14.** All elective officers shall qualify within ten (10) days, and a failure to do so, except in case of sickness, shall of itself vacate said office, and an election shall be immediately called to fill such vacancy.

Section 15.** In the event a vacancy in the office of Mayor or any Commissioner, if such vacancy occurs within one (1)

*Act of 1903.

**Amendment of 1914.

year of the next election, such vacancy shall be filled by the remaining Commissioners, but if the period of time from the day on which such vacancy first occurs to the next City election exceeds one (1) year, the remaining Commissioners shall, within (10) days, order a special election to fill such vacancy, and such election shall be held not less than fifteen (15), nor more than twenty (20), days after such election is ordered, provided that no primary shall be necessary to fill such vacancy.

Section 16.* The Mayor shall nominate the appointive officers, and such nominations shall be subject to confirmation by a majority of the remaining Commissioners, and the Mayor shall not vote, except in the case of a tie, upon such confirmation. The appointive officers of the City shall be as follows:

- City Attorney and his assistants;
- City Physician and his assistants;
- City Auditor and his assistants;
- Purchasing Agent; and
- City Clerk and his assistants.

The Judge of the Corporation Court shall be nominated and elected by the Commissioner, and shall have authority to appoint a clerk and a bailiff of his court.

Paragraph 2: Each member of the Commission shall have the right to propose and nominate all employees in the department under his special charge, unless otherwise provided, but all such nominations shall be subject to the confirmation of the Commissioners by a majority vote thereof.

Paragraph 3: The Commissioners shall have the right by a majority vote to create such offices or employments as may in

*Amendment of 1914.

their opinion be necessary, and impose such duties upon the holders thereof as they may deem proper, and shall have the right to abolish any office or employment created by them, by majority vote of the Commissioners.

Section 16-a. The Fire Department of the City of San Antonio shall be maintained upon the two platoon or double shift system, and appropriate action shall be taken by the Commissioners carrying this provision into effect.

Section 17.* All appointments of officers or employees, except day laborers, unless otherwise specified in the order making the appointment, shall be for a period of two (2) years. And any appointive officer or employee may be removed or discharged only by a majority vote of the Commissioners on charges preferred in writing and after a public hearing of such charges by said Commissioners. All salaries and wages of employees shall be fixed by said Commissioners.

Section 18.* The elective officers of said City shall receive from the City the following annual compensation, payable in monthly installments, and no more: The Mayor, Five Thousand Dollars (\$5,000.00); and each Commissioner, Four Thousand Dollars (\$4,000.00); provided that the salary of the Mayor or any Commissioner shall not be paid during his absence from the City, unless such absence is on the business of the City, or unless such Mayor or Commissioner is excused by the Board of Commissioners.

Paragraph 2: The salaries and wages of all other officers, employees, agents and servants of the City shall be fixed by the Commissioners.

Section 18a.*—Paragraph 1: It shall be unlawful for any candidate or any person who may become a candidate for office or any office or applicant for appointment to any office under

*Amendment of 1914.

the government of the City of San Antonio, directly or indirectly, to offer or promise any person or persons any office or employment under said City government or any benefit to be derived therefrom, in the event of the election of such candidate or the appointment of such applicant.

Paragraph 2: It shall be unlawful for any such candidate or any person who may become a candidate or officer of said City to promise or agree to use his influence to obtain for any person any office or employment under the government of said City of San Antonio.

Paragraph 3: Any violation of any of the provisions of this section shall be a misdemeanor and shall be grounds for removal from office.

Section 19.* The Board of Commissioners shall have the care, management and control of the City and its finances, and any three of the Commissioners elected shall constitute a quorum for the transaction of all business, and the affirmative vote of three of such Commissioners shall be deemed necessary to the adoption of any motion, resolution or ordinance, or the appropriation of money or the passage of any measure of any kind.

Section 20.* The Board of Commissioners, or a majority thereof, may act by resolution in all cases except where an ordinance is by this act required; provided, that no contract on the part of the City shall be made or authorized, nor any money appropriated from the funds of the City nor any franchise or privilege for the use of any of the public streets or other public places of said City be granted or extended, nor any lands of said City be conveyed or leased, nor authority for such conveyance or lease given otherwise than by ordinance.

Section 21.* Said Commissioners, as soon as practicable after their election and qualification shall arrange for regular

*Amendment of 1914.

meetings of their body, which meetings shall be held not less than four (4) times in any month. Special meetings may be called by the Mayor, or any two Commissioners. All questions acted upon by said Commissioners, both at regular and special meetings, shall be reduced to writing and recorded, together with the yea and nea vote of each Commissioner on such question. All Commissioners may vote on all questions coming before said meeting, except where they are interested, when they shall disclose their interest and not be allowed to vote. Should any Commissioner fail or refuse to vote on any question or be absent from any meeting, he shall be recorded as voting nay.

Section 22*.—Paragraph 1: The Commissioners shall, at the beginning of their term of office, elect by ballot, by majority vote of the members thereof, one of their number to act as Mayor during the absence, disability or removal of the Mayor, and the Commissioner so chosen shall be invested with all the powers and shall perform the duties of the Mayor during such absence, disability to act, or after such removal.

Paragraph 2: In the event of the vacancy in the office of Mayor, the mayor protempore shall receive the salary of Mayor, but not other compensation.

Paragraph 3: That no Commissioner nor any officer or employee of the City of San Antonio shall be connected or interested directly or indirectly in any contract with the City, nor shall any Commissioner of the City receive any compensation other than is herein specially provided.

Section 23.* The Mayor of said City shall be the chief executive of said corporation, and shall be vigilant and active at all times in causing the laws to be enforced and the ordinances of said City to be duly executed. He shall have power whenever

*Amendment of 1914.

the good of the City shall require it, to summon special meetings of the Board of Commissioners, specifying the purpose of such call, and he shall from time to time communicate to the Board of Commissioners all such information and recommend such measures as may tend to the improvement of the finances, police, health, cleanliness, comfort, ornament and general welfare of the City.

Section 24.* The Mayor shall sign the commissions of all persons elected or appointed in the City government, and all warrants drawn upon the City depository, and all such commissions and warrants shall be attested by the City Clerk. He shall have power when he deems it necessary, to require any officer to exhibit his accounts or other papers, and make report to the Board of Commissioners in writing, touching any subject or matter pertaining to his office.

Section 25.** The Mayor shall be a conservator of the peace throughout the City, and shall at all times have power to appoint any number of special policemen that he may deem necessary to preserve the peace of the City, and dismiss the same at pleasure. He may call on every male inhabitant of the City over eighteen years of age and under fifty years of age to aid in enforcing the laws and ordinances of the City, and, in case of necessity, to call out the militia within the City to aid in the suppression of any riot, or in the enforcement of the City ordinances; and any person who shall not obey such call, shall be liable to such fine as may be provided by the Council. The Mayor shall also have the power to remit fines and to grant pardons for all offenses arising under the ordinances of the City.

Section 26.*—Paragraph 1. Every ordinance, resolution or motion of the Board of Commissioners shall, before it takes

*Amendment of 1914.

**Act of 1903.

effect, be presented to the Mayor for his approval and signature. If he approves it, he shall sign it; if he disapproves it, he shall specify his objection thereto in writing within two (2) days and return the same to the Board of Commissioners with such disapproval. If he does not return it with such disapproval, nor sign it, it shall, after two (2) days be in effect and force, as if he had approved it.

Paragraph 2: A veto by the Mayor shall suspend the act of the Board of Commissioners for seven (7) days, after which time the Board of Commissioners may pass the same over the veto of the Mayor by a majority vote, provided, however, that the affirmative vote of four Commissioners shall be necessary to pass over the veto of the Mayor and any ordinance whereby money is appropriated out of any of the funds of the City, but in all such cases the Mayor shall not be deprived of his right to veto as a member of the Board of Commissioners by reason of such veto. In case the Mayor veto is sustained, the matter shall not again come before the Board of Commissioners within six (6) months, except with the unanimous consent of the Mayor and all Commissioners. In ordinances or resolutions making appropriations, the Mayor may veto any or every item therein, but such veto shall not extend to the items not vetoed, and those which he approves shall become effective and those which he disapproves shall not become effective, unless passed over his veto in the manner above specified.

Section 27.* The Mayor shall, from time to time, make such recommendations to the Board of Commissioners as he may deem to be for the welfare of the City, and he shall, each year, immediately before taxes are levied, submit to the Board of Commissioners an annual budget of the current expenses of the City, itemized by departments, and include such an amount for contingent expenses as he may deem necessary; provided, that

*Amendment of 1914.

the Board of Commissioners shall have the power to increase, diminish or omit any item in such budget.

Section 28.* The Mayor shall, within thirty (30) days after the close of each fiscal year, cause to be published in pamphlet form for general distribution, an exhibit of the financial condition of the City for such fiscal year. Such exhibit shall specify the amount of receipts of the year and the sources thereof, the amount of expenditures in each department of the City and for what purposes such expenditures were made, the condition of each fund, and such other data as to give a full and complete financial statement of the year.

Section 29.** The City Attorney shall represent the City in all litigation to which the City may be a party, except in cases in the Corporation Court and cases appealed therefrom, but he shall have supervision of all such cases. He shall give his opinion when called upon, on all legal questions arising under the City government, and attend meetings of the Board of Commissioners to give his advice and counsel upon the legal aspects of any question pending before them, when so requested.

Section 30.** The Commissioner of Taxation shall make up the assessment of all property taxed by the City in accordance with this Charter. It shall be his duty to assess within the time herein fixed, all property subject to taxation in said City, whether the same be rendered to him or not, and to make out a list of the same. He shall assess all property at its full value, giving the value of lands and improvements separately, and shall also assess personal property of whatever nature, including franchises, privileges and choses in action. He shall describe all property

*Act of 1903.

**Amendment of 1914.

assessed sufficiently to identify the same, giving the name of the last known owner thereof, and if the owner is unknown, he must state that fact. He shall assess property which has been omitted from assessments during past years upon the next assessment roll after discovering that fact, and at the same rate such property should have been assessed for such past years, giving the year for which it is assessed, and the taxes thereon shall be collected in the same manner as other assessments. The assessment rolls and tax receipts shall be made up and filed with the Auditor on or before the first day of April of each year. In addition to these powers, the Commissioner of Taxation shall have all the rights that are now or may be hereafter conferred upon county assessors of this State, and shall perform such other duties as may be prescribed by the Board of Commissioners.

Section 31.* The Commissioner of Taxation shall collect all advalorem and occupation taxes and other license fees and dues as may be prescribed by the Board of Commissioners, and give receipts therefor upon receipts furnished him through the Auditor's office. He shall, on each Monday, furnish a statement to the Auditor, showing the total collections made by him during the previous week and the funds to which they belong, and shall deposit with the City depository weekly, by means of deposit warrants, all moneys collected during the previous week. He shall keep a daily cash book in his office, showing by items his daily receipts and make to the Auditor weekly, monthly and annual reports of all collections made, and he shall perform such other duties and follow such other rules and regulations in the transaction of the business of his office as may be prescribed by the Board of Commissioners.

Section 32.*—Paragraph 1: All funds of the City shall be deposited in one or more depositories selected by the Com-

*Amendment of 1914.

missioners for that purpose, and all warrants and checks shall be drawn on one of said depositories by the City Clerk and shall be countersigned by the Mayor, and the said depository before paying any such check or warrant, shall, at its peril, inform itself that the same is drawn pursuant to law.

Paragraph 2: The City depository shall never receive directly or indirectly any interest on any warrant or overdraft or discount any said warrant, and all contracts for that purpose shall be void; provided, however, that the Board of Commissioners may borrow money for the use of the City in anticipation of the receipts of taxes levied for any one (1) year and the current revenue for that year, and pledge as security for such loans the uncollected taxes and revenue for any such year, and shall have the right to contract to pay interest upon all amounts so borrowed by said Board of Commissioners of said City.

Paragraph 3: The City depository shall have the right to refuse payment of any warrant or check when in doubt of its validity, and require it to be confirmed at the next meeting of the Commission. Should the Commission, at its next session, by vote of the majority of the Commission, endorse such check or draft, it shall be the duty of the City depository to pay the same on presentation; provided there is attached thereto a certificate from the Mayor and City Secretary that such action was taken by the Commission. The City depository shall be required to make, within the first ten (10) days of each month, a duplicate report in writing, showing all receipts for, and disbursements from each separate fund for the preceding month and clearly showing the balances to the credit of each fund. One copy of said report shall be filed in the office of the City Auditor and the other shall be filed with the Mayor. The Auditor shall carefully examine said report and shall certify as to the correctness thereof to the Commissioners within five (5) days after receiving same.

Paragraph 4: The City depository shall perform all duties prescribed by the Commission. The City depository shall give a bond, or in case there is more than one depository selected, then each shall give a bond, or they shall give a joint bond, guaranteeing the City from all loss, in such form as the Commissioners may prescribe, and same shall not be less than the amount of average daily receipts of the preceding year, and said bond shall have two (2) or more good and sufficient sureties, or may be given by some company authorized to write surety bonds under the laws of this State.

Section 33.* The Auditor shall be an expert bookkeeper, and shall be the general accountant of the City, shall keep regular accounts of all receipts and disbursements, including accounts with every official collecting money for the use of the City, examine all bills and accounts presented for payment, keep separate accounts with each special fund, prepare all warrants ordered by appropriation of the Board of Commissioners, make out all deposit warrants for money to be deposited with the depository, and examine and audit the books and accounts of all City officials. At the end of each quarter of the fiscal year, he shall make a statement showing the financial condition of the City, and of each fund, the receipts and disbursements during the quarter, and said statement of disbursements shall show to whom, and for what purpose, said money was paid, and the departments wherein such expenditures were made, giving the amount expended by each, including approved vouchers against the City, the source of all receipts, the number and date of each warrant drawn, the amount thereof, the name of the person to whom the same was issued, the fund from which, and the purpose for which it was drawn. He shall then, and within ten days thereafter, publish in a daily newspaper of the City of San Antonio, a recapitulation of such statement, showing in con-

*Amendment of 1914.

densed form the financial condition of the City and of each fund, the receipts and disbursement during such quarter, and the departments wherein such expenditures were made, giving the amount expended by each. The Auditor shall perform such other duties and follow such regulations as may be prescribed by the Board of Commissioners.

Section 34.* The Judge of the Corporation Court shall preside over the Corporation Court as judge, and such Court shall have such jurisdiction and powers as are now or may hereafter be conferred upon corporation, Mayors' or recorders' courts by the laws of this State. The recorder shall not be entitled to any fees and he shall hold the court at such times as may be prescribed by the Commissioners, and in his absence or disability, the court shall be held by Mayor pro tempore, or some Commissioner elected by the Board of Commissioners.

Section 35.* The enacting clause of all ordinances shall be, "Be it ordained by the Commissioners of the City of San Antonio," but this may be omitted where the ordinance is published in book or pamphlet form. All ordinances and resolutions shall, after final passage, become effective as herein provided.

Section 36.* All ordinances and resolutions shall go into effect on the day of their approval by the Mayor, or on the day of their passage over the Mayor's veto, except as herein provided, and unless such ordinance or resolution shall in terms provide otherwise; provided, however, that all penal ordinances for the violation of which a fine may be imposed by the judgment of the Corporation Court, shall not go into effect until the tenth day after their approval by the Mayor or passage by the Commissioners without such approval, nor until they have been published at least ten times in some newspaper published in

*Amendment of 1914.

said City. The fact of such publication may be proven by the affidavit of the publisher, to be returned to the City Clerk and by him to be recorded in the book of ordinances, or by certified copy of such affidavit under hand of the City Clerk and seal of the City, or by other competent evidence. The City Commissioners shall cause all of the general ordinances of the City to be published in pamphlet form, and printed copies thereof, purporting to be issued by the City, shall be prima facie evidence of such ordinance and publication, and the same shall be admissible in evidence in all courts without further proof. When necessary for the public health or safety, penal ordinance may take immediate effect upon its passage, provided a statement of its urgency is contained in said ordinance, and it is passed by a four-fifths vote of the Commissioners.

Section 37.* Certified copies of the records, papers and books of the City officers shall be admissible in evidence when certified to by the custodian of such papers, books and records, and attested by him under his seal, if he have one; provided, that for issuing such certified copies the City shall receive such fees as may be provided by ordinance.

Section 38.* Every citizen shall, during office hours, have the right to examine any and all books, vouchers, records and papers belonging to the City and in custody of any of its officers, and shall have the right to take copies; and it shall be the duty of the proper custodian of such papers and records to produce and exhibit any such papers or records demanded to be inspected by any such citizen.

Section 39.** The head of each department of the City government shall make to the Mayor, each and every year at such

*Act of 1903.

**Amendment of 1914.

times as he may request it, a report, showing the operations of the department for the preceding year, and accompanying such report and submitted therewith shall be a detailed estimate of the operating and contingent expenses of the department for the current year. These reports shall be transmitted by the Mayor and be made a part of the Mayor's report to the Board of Commissioners, which report shall be made not later than the first day of March of each and every year, at which time the Mayor shall make up and transmit to the Board of Commissioners the annual budget, with such recommendations concerning the increasing or decreasing of department estimates as in his judgment may best serve the interests of the City.

Section 40.* Any debt hereafter contracted by any officer of the City, or by any person on account of the City, the payment of which has not been previously provided for by ordinance duly adopted by the City Council, shall be absolutely null and void and uncollectible at law or in equity, and it shall be the duty of the City Attorney to plead this statute to defeat the collection or enforcement of any such claim or debt.

Section 41.** No officer of the City shall ever be entitled to costs or fees of office except for the use of the City, and all penalties, forfeitures, fines, costs and fees of office to accrue hereafter shall be paid into the City depository, and no money shall be drawn from the depository except in the pursuance of a specific appropriation of the Commissioners; nor shall any appropriation for private or individual purposes be made.

Section 42.** No execution shall be issued or levied by virtue of any judgment that may be recovered against the City, but the Commissioners shall provide for the payments of judgments

*Act of 1903.

**Amendment of 1914.

in the levying of taxes next after the final recovery of such judgments from the City. No person shall be incompetent as a judge, justice or juror by reason of his being an inhabitant or freeholder in said City or subject to taxation by said City in any action or proceeding in which said City may be a party at interest; and no police officer shall be liable for damages for any act committed in the proper discharge of his duties.

Section 43.* Lands, houses, moneys, debts due the City, personal and real property, and assets of every description belonging to the City, shall be exempt from execution and sale; but the City shall make provision, by taxation or otherwise, for the payment of any and all indebtedness due (by) the City.

Section 44.* No writ of garnishment shall issue against the City to subject or seize any debt due or which may hereafter become due from the City to any person or corporation, or any claim or demand upon any fund in the hands of said City or any of its officers; nor shall the City or any of its officers or agents, be required to answer any writ of garnishment.

Section 45.* The City shall not be required to give any bond for security for costs or any other security in any suit or action brought by or against it, or in any proceeding to which it may be a party in any court in this State; and said City shall have the remedies of appeal and writ of error to all courts in this State without bond or security of any kind, but said City shall be liables in the same manner and to the same extent as if the bond, undertaking or security required in other cases had been really executed and given.

Section 46.** Before the City of San Antonio shall be liable for damages of any kind, the person injured, or some one in

*Act of 1903.

**Amendment of 1911.

behalf of such person, shall give the Mayor notice in writing of such injury within twenty days after the same has been received, stating in such notice when, where and how the injury occurred and the extent thereof; provided, however, that in no event shall the City of San Antonio be liable in damages to any one on account of any defect in, obstruction on, or anything else in connection with any sidewalk in the City. And provided, further, that in order to hold the City of San Antonio liable in damages to any one on account of any injury caused by any defect in, obstruction on, or anything else in connection with any street, alley or plaza, outside of the said sidewalks along the same, it must be shown that the Mayor or some person having superintendence or control of the work on the streets for the City had actual knowledge or actual notice of such defect, obstruction or other thing for a sufficient length of time before such injury was received, to have remedied such condition of the street, alley or plaza before the injury was received.

Section 47.* Upon recommendation of the City Attorney, the Commissioners may compromise any suit filed or pending against the City, but in all such cases the City Attorney shall file with the City Clerk his reasons, in writing, for such compromise.

Section 48.** All rights, actions, penalties and forfeitures in suits or otherwise which have accrued under the law heretofore in force, shall be vested in and possessed by the corporation hereby created, and no suit pending shall be affected by the passage of this Act, but the same shall be prosecuted or defended, as the case may be, by the corporation hereby created.

Section 49.** The cemetery lots which have been or may hereafter be laid out and sold by said City for private places

*Amendment of 1914.

**Act of 1903.

of burial, shall, with the appurtenances, forever be exempt from taxes, executions, attachments and forced sales.

Section 50.* The present elective officers of the City of San Antonio shall continue to perform the duties of their offices, unless removed as herein provided, until the next general election under this Charter, and all ordinances of the City of San Antonio now in force not contrary to the provisions of this Act and the laws of this State shall continue in force until repealed.

ARTICLE II.

POWERS OF CITY COUNCIL.

Section 51.** The Board of Commissioners shall have the care, management and control of the City, its property and finances, and shall have power to enact, ordain, alter, modify or repeal any and all ordinances not repugnant to this Charter and the Constitution and laws of the State, and shall have power, by ordinance:

Section 52.*** To provide for the payment of the current expenses of the City, and direct that warrants be drawn for the same against the current revenue of the current fiscal year, and every warrant so drawn against said revenue shall be a lien upon said revenue of said fiscal year whenever the same may be collected, and the said warrant shall be numbered and paid in the order of numbers and months, that is, the warrants drawn for the current expenses of the first month of the fiscal year shall

*Act of 1903.

**Amendment of 1914.

***Amendment of 1907.

be paid before any warrants drawn for the current expenses of the second month of the fiscal year, and so on throughout the year. Warrants drawn for the current expenses of a fiscal year shall not exceed the amount of income for such fiscal year, and such income shall be based upon the assessed value, the tax rate thereon and other revenue of the City from other sources. The revenue and income of the City for any fiscal year shall not be used for the payment of any debts or obligations incurred in, for, or during any other fiscal year until all current debts and obligations for such year have first been paid.

Section 53.* To borrow money on the credit of the City and issue bonds therefor for permanent public improvements; but, every proposition to borrow money, as aforesaid, shall be submitted to the qualified taxpaying voters of the City, and shall distinctly specify the purpose for which the loan is desired, and the permanent public improvements to be constructed; and if said proposition be sustained by a majority of the votes cast, such loan shall be lawful; provided, that several improvements of different and distinct character and nature may be submitted in one proposition. All bonds shall specify for what purpose they were issued, and, when sold, shall net the City not less than their par value, with accrued interest to the date of payment of the proceeds into the City depository, and the bonds may be negotiated in lots, as the Board of Commissioners may determine and direct. No debt shall be contracted for the payment whereof such bonds or lot thereof are issued until such bonds or lot thereof shall have been disposed of and the proceeds paid into the City depository or the contractor undertaking such public improvements shall agree to take said bonds in payment for the work to be performed; and no debt shall ever be created by said City unless at the same time provision be made to assess and

*Amendment of 1914.

collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent thereon. The interest and sinking fund shall not be diverted or used for any other purpose than to pay the principal and interest on such bonds and the City depository shall honor no draft drawn on said fund, except to pay the interest or to redeem the bonds for which it was provided. The rate of tax for interest and sinking fund on the outstanding bonded debt of the City shall never exceed one dollar on the one hundred dollars valuation annually, and the rate of interest paid shall not exceed five per cent and no loan shall be made for any other purpose or purposes than those connected with the corporation of said City. No loan shall be made to aid any private enterprise, railroad or undertaking not under the management and control of the Board of Commissioners. The sinking fund for the redemption of any loan or debt shall be invested as fast as it accumulates, in United States interest bearing bonds, or bonds of the State of Texas, or Bexar County, Texas, or in bonds of the City, or of any improvement district thereof and the interest of such bonds, shall be re-invested; and such bonds shall be sold when necessary to pay interest or principal of the bonds issued under the provisions of this section.

Section 54.* To borrow money on the credit of any improvement district of the City and issue bonds therefor for permanent public improvements in such districts, and to this end the Commissioners may divide the City, or any portion thereof, into improvement districts, clearly defining the limits of each district; but every proposition to borrow money on the credit of any improvement district for permanent public improvements therein shall be submitted to the qualified taxpaying voters **living and owning** property in such district, and shall distinctly specify the purpose for which the loan is desired and the permanent public

*Amendment of 1914.

improvements to be constructed, but several improvements of different and distinct character and nature may be submitted in one proposition. If said proposition be sustained by a majority of the votes cast in such election in such district, such loan shall be lawful. All bonds shall specify for what purpose they were issued, shall bear interest at a rate of not greater than five per cent per annum, and, when sold, shall not net less than par value, with accrued interest to date of payment of the proceeds into the City depository, and such bonds may be negotiated in lots, as the Board of Commissioners may decree. No debt shall be contracted for the payment whereof such bonds are issued until such bonds shall have been disposed of, and no debt shall ever be created against any such improvement district unless at the same time provision be made to assess and collect annually upon the property in such improvement district a sum sufficient to pay the interest on such bonds and create a sinking fund of at least two per cent thereon. The interest and sinking fund tax which shall be collected annually from the property in such improvement district for such bonds shall be in addition to the other current taxes, levied by the City, and shall be kept separate by the City depository from other funds, and shall not be diverted or used for any other purpose than to pay interest and principal on such bonds and the City depository shall honor no draft on said fund except to pay the interest and redeem the bonds for which it was provided. The sinking fund for such bonds shall be invested as provided in Section 53 of this Charter, or bonds of such improvements district. The tax levied for interest and sinking fund for bonds issued for permanent public improvements in any district shall not exceed twenty-five cents on the one hundred dollars valuation annually.

Section 55.* To provide for the payment of the debts and expenses of the City and to issue refunding bonds for the purpose of redeeming bonds bearing a higher rate of interest or paying matured bonds; but the bonded debt of the City shall not be increased, nor any other evidences of debts issued, unless authorized by a vote of the qualified taxpayers, as hereinbefore provided, except as provided for in Section 52 hereof; and the bonded debt of the City shall never exceed ten per cent of the total assessed value of the property in the City according to the last assessment roll, provided, that in estimating the total bonded debts of the City, the bonded debt of any improvement district shall not be counted.

Section 56.** To regulate and prescribe the duties and powers and compensation of all appointed officers, agents and employees of the City, and to require bonds of all officers or agents of the City, whether elected or appointed; to create any office or agent deemed necessary for the good government and interest of the City, and to change and prescribe additional duties of all officers and agents; provided, that the powers prescribed by this Charter for elective officers shall not be diminished; and provided further, that the City Clerk and all other assistants shall have power to administer oaths and affirmations, and give certificates thereof.

Section 57.*** To provide the City and its inhabitants with water and light for public and private use, and to this end the Commissioners shall have power to provide for the construction by the City or any person for it, a water and electric light or gas plant, or a combined plant for any and all said purposes; to purchase any such plants that are now or may hereafter be

*Act of 1903.

**Amendment of 1907.

***Amendment of 1914.

created in said City; to regulate and prescribe the rates, prices and terms at which water, electricity and gas shall be furnished for public and private purposes to the City and its inhabitants by water, electric light and gas companies, public or private, that are now or may hereafter be established in said City; to contract with water, electric and gas companies for furnishing water, electricity and gas to the City for public purposes.

Section 58.* To build, construct, contract to be constructed, or acquire any of the public utilities of the City, such as gas, water, telephone, street railway and electric plants, subways or underground conduit systems for electric light, power, telephone, telegraph, or other wires used for the purpose of transmitting an electric service, and such utilities and systems may be purchased and constructed by a payment in cash of twenty-five per cent of the price agreed upon, and the balance in annual installments, including interest, to be paid out of the revenues of such utility; and such work so constructed or purchased shall stand pledged for payment of the amount due thereon; provided, that no expenditure for such purpose shall be made unless the proposition for the acquisition or construction of the same is first submitted to a vote of the qualified property taxpayers, at an election to be held for the purpose of voting thereon, and a majority of such voters shall vote in favor of such proposition and the Board of Commissioners shall have the power to carry out all the terms of this section by ordinance.

Section 59.** To do all acts and make all regulations which may be deemed necessary for the protection and promotion of health or the suppression of disease, and abate all nuisances which may impair or affect the public health or comfort, in such manner as may be deemed expedient.

*Amendment of 1914.

**Act of 1903.

Section 60.* To prevent the introduction of contagious diseases into the City, to make quarantine laws for that purpose and to enforce the same within five miles of the City, and to make all ordinances and regulations to prevent the spread of any contagious diseases within the City limits; to enforce vaccination and to establish hospitals and pest houses, and to regulate the establishment of private hospitals.

Section 61.* To direct the location of breweries, tanneries, blacksmith shops, foundaries, livery stables and manufacturing establishments; to direct and regulate the management, construction and cleaning, and restrain, abate and prohibit within the City, slaughtering establishments, stockyards, hide houses, warehouses, stables and privies, or establishments for keeping or curing hides, tallow, offal and such other substances as may be rendered, and all other establishments or places where noisome, offensive or unwholesome matter is liable to accumulate.

Section 62.* To require the owner, agent or occupant of any grounds, lots, yards, private drains, sinks or privies, to fill up, cleanse, alter, repair, fix and improve the same and require all owners of property to connect with the City sewers.

Section 63.** To regulate, direct and control the erection and construction of telegraph and telephone lines and electric light posts, poles and wires, and to require the laying of all telegraph, telephone, electric light and all other wires underground in such manner and at such depth and with such insulation as the Commissioners may deem necessary and proper; to regulate, direct and control the laying and repairing of all gas, water and oil pipes in the streets, alleys, sidewalks, and public places of the

*Act of 1903.

**Amendment of 1914.

City, and to regulate the prices to be charged by telephone companies for services to the public.

Section 64.* To provide for the erection of all useful and necessary buildings for the use of the City, and for the protection and safety of all property belonging to the City, and to provide for the safety and protection of private property where damages are likely to accrue by the action of the elements.

Section 65.* To establish a police force and regulate the same; to erect, establish and regulate one or more prisons, workhouses, house of correction and poor houses, and provide for the government and support of the same.

Section 66.** To establish, erect and build public libraries and provide funds for the maintenance of the same, and that such libraries shall be managed by a board of trustees and the City Council shall annually levy such a tax as will yield at least ten thousand dollars (\$10,000.00) for the support and maintenance of what is known as the "Carnegie Library," in said City, and said fund shall be protected for the uses of said library in the same manner as the interest and sinking fund for the benefit of the bonded debt as now protected by law.

Section 67.* To provide measures to keep the waters of the river and streams pure, to remove all obstructions or dams in said river or streams within the limits of the City; to widen and deepen the channel of said river and streams, to prevent the erection of factories or establishments on the banks of any stream or ditches which will befoul or make impure the waters of such river or ditches; to alter and establish the channels of

*Act of 1903.

**Amendment of 1911.

any streams, ditches or water courses within the limits of the City when the health, safety or convenience of the City requires such to be done, and to wall up or cover ditches or canals; to make, regulate and abolish irrigation ditches and have full control of the same and to fix the terms and prices to be charged for water therefrom.

Section 68.* To establish, erect, construct, regulate and keep in repair bridges, culverts, sewers, sidewalks and cross ways, and to regulate the use of the same and abate any obstruction or encroachments thereon.

Section 69.* To provide for the inspection of meat, fish, vegetables, fruit and every or anything offered for sale in the market places or elsewhere in said City; to provide for the inspection, before slaughter, of all animals intended for slaughter or to be offered for sale after slaughter, in said City; to prescribe rules and regulations as to the place and manner in which all animals are slaughtered, and charge and provide license fees for such inspection; to require the hides and skins of animals slaughtered for sale in said City to be exhibited, and to provide for the keeping of a record of the marks and brands of such animals; to prohibit and regulate the sale within the City of any meats slaughtered outside the limits of the City; to erect and maintain market houses and regulate everything relating to butchers, to establish and maintain a standard of the quality of milk sold in the City and provide penalties for the violation thereof.

Section 70.* To regulate the sale within the City of cocaine, morphine, opium, chloral, or any other poisonous drugs, and provide that the same shall be sold only upon the prescription of a licensed physician.

*Act of 1903.

Section 71.* To provide for the purchase, maintenance, regulation and improvement of public parks, plazas, grounds and cemeteries of the City; to direct and regulate the planting and preserving of ornamental and shade trees on the streets, sidewalks and public grounds, and to establish and maintain zoological gardens, and to provide public musical concerts in the City parks and plazas.

Section 72.* To make regulations for the inspection and construction of buildings and to cause unsafe buildings to be made safe or removed, and to prescribe and prohibit the use of certain materials; to prescribe the thickness of walls and height of buildings; to require every person desiring to erect a building in the City to take out a permit for the same, and to keep a register of all buildings, both private and public, erected and the cost thereof, of the kind and material used, and of the intended use of such buildings.

Section 73.* To restrain and regulate the selling or giving away of any intoxicating or malt liquors by any person, firm or corporation, although duly licensed by the State, when the place of business of such person, firm or corporation is connected with a house wherein gaming is permitted to be carried on where the same is connected with a vaudeville or other place where theatrical performances are held by whatever name called.

Section 74.* To provide and cause to be taken an enumeration of the inhabitants of the City.

Section 75.* To license and regulate billiard tables, pin alleys and ball alley, to suppress and restrain, disorderly houses, ball rooms, bawdy houses, houses of prostitution and assignation, gambling and gambling houses, lotteries, and all fraudulent devices and practices and all kinds of indecencies.

*Act of 1903.

Section 76.* To license and regulate hackmen, draymen, drivers of omnibuses and baggage wagons, porters and all others pursuing like occupation with or without vehicles, and prescribe their charges, and to regulate, license and restrain runners for hotels, stages and public houses.

Section 77.* To prohibit and punish the owners, lessees and agents of theatres or other places where indecent, lewd or immodest dramatic or theatrical representations are given, and adopt summary measures for the removal or suppression of all such entertainments and establishments; to license and regulate, suppress and prohibit hawkers, peddlers, panwbrokers, and regulate keepers of theatres and other exhibitions, shows or amusements.

Section 78.* To restrain, prohibit and punish vagrants, mendicants, street beggars, prostitutes and gamblers, and punish the keepers of all houses of prostitution and games and gambling devices with as great a penalty as the same is punished by the statutes of the State. The Corporation Court of the City of San Antonio shall have concurrent jurisdiction with Justice Courts of all such misdemeanors when committed within the corporate limits of said City.

Section 79.* To establish standard weights and measures to be used within the City in all cases not otherwise provided by law; to require all traders and dealers in merchandise or property of any kind which is sold by weight and measure to cause their weights or measures to be tested and sealed, but the standard of such weights and measures shall conform to those established by law.

Section 80.* To regulate and provide for the inspection and measuring of lumber, shingles, timber, posts and all kinds of building materials, and for measuring all kinds of mechanical

*Act of 1903.

work ; to provide for the measuring of wood and weighing of hay and the manner and place of selling the same.

Section 81.* To prevent and suppress any riot, affray, noise, disturbance, disorderly conduct or assembly in any public or private place in the City, and prohibit the carrying or deadly weapons within the City limits.

Section 82.* To prevent and prohibit any immoderate driving or running of horses or other animals, or motor vehicles in the streets or public places of the City ; to compel persons to fasten their horses or other animals, whether attached to vehicles or not, while standing or remaining in the streets ; to prevent, regulate and control the driving of cattle, horses and all other animals through the City, and to prohibit all cruelty to animals.

Section 83.* To establish and regulate public pounds and to regulate and prohibit the running at large of horses, mules, cattle, sheep or other animals ; to authorize the restraining, impounding and sale of the same for the cost of proceedings and the penalty incurred ; to tax, regulate, restrain and prohibit the running at large of dogs ; to require licenses for all dogs kept in the City and to provide for the impounding of all dogs running at large.

Section 84.* To purchase, establish and regulate one or more cemeteries within or without the City limits ; to regulate and provide for the registration of birth and deaths ; to direct keeping of records of mortality and impose penalties upon physicians, sextons or others for any default in the premises, and regulate the burial of the dead.

Section 85.* To prevent and prohibit boxing matches, sparring exhibitions, cock and dog fighting, bull fighting and all

*Act of 1903.

brutal exhibitions, to license, tax, regulate and suppress public balls, dances, and all other public places of resort and amusement.

Section 86.* To prevent and prohibit all disturbances, breaches of the peace and good order, assaults, assaults and battery, fighting, quarreling, using abusive and insulting language, misdemeanors and all disorderly conduct.

Section 87.* To prevent and punish the keeping of houses of prostitution within the City or within such limits therein as may be defined by ordinance, and adopt summary measures for the removal or suppression of all such establishments.

Section 88.* To provide for the inspection of all buildings and establishments for educational or asylum purposes; to require that the inmates be properly treated, and to require all institutions of whatever nature used as asylums, colleges, hospitals, or boarding schools to make reports of the number of inmates and the sanitary condition of the same.

Section 89.* To establish, regulate and maintain a fire department and to fix fire limits within which only buildings constructed of approved material will be allowed to be built, and, generally, to make and enforce all such regulations for the prevention, spread and extinguishing of fires as may be deemed expedient.

Section 90.** To have the exclusive control and power over the streets, alleys, sidewalks and public grounds and highways of the City, and to abate and remove encroachments or obstructions thereon; to open, alter, widen, straighten, extend, establish, regulate, abolish, close the same or any part thereof, grade,

*Act of 1903.

**Amendment of 1914.

re-grade, clean, pave, macadamize, or otherwise improve any of the streets or public places in said City; to put drains and sewers therein and prevent the incumbering thereof in any manner and to protect the same from any encroachments and injury. Provided that the Commissioners shall not receive, approve or allow to be filed a plat of any subdivision of property in the City, unless and until the owners of said property shall have first laid out, monumented, curbed and macadamized all the streets in said subdivision, and the City Engineer shall not give lines for any subdivision hereafter laid out unless the provisions of this section shall have been complied with; provided, that nothing in any of these amendments contained shall in any manner affect the powers conferred upon said City of San Antonio by the adoption at an election heretofore held of Chapter 11, Title 22, of the Revised Statutes of Texas of 1911.

Section 91.* To compel by appropriate penal ordinances the laying of sidewalks by property owners in front of or abutting on their land, and may prescribe the character of sidewalks to be laid, and provide by ordinances that the City shall not pave with brick, block, asphalt, stone or gravel any street until the owners of the property abutting thereon shall have previously laid a curb and sidewalk abutting upon the said street, and the Council shall have the right to prescribe the kind of sidewalk and curb to be laid; to compel the construction and repair of sidewalks and curbing, and require the cost thereof to be defrayed by the owner of the property fronting on such sidewalk, which cost shall be a personal liability against such owner as well as first and prior lien and charge against such abutting property, enforceable in any court of competent jurisdiction; provided that no lien by reason thereof shall be created against any homestead.

*Amendment of 1911.

Section 92.* To prevent and prohibit the incumbering or blocking of the streets, alleys, sidewalks and public places with any vehicle whatever, or with awnings, posts, signs, or any obstruction of any kind; to compel all persons to keep weeds, filth and all kinds of rubbish from the sidewalks, streets and gutters in front of premises occupied by them; to require and compel the owners to fill up, grade, pave and otherwise improve the sidewalks in front of and adjoining their property.

Section 93.* To prohibit and restrain the rolling of hoops, flying of kites, firing of firecrackers or firearms or fireworks or pyrotechnics of any kind, the use of velocipedes or any practice tending to annoy persons passing in the streets or sidewalks, or to frighten horses and teams; to restrain, prohibit and regulate the ringing of bells, blowing of whistles, horns and bugles, playing of street organs or other music, crying of goods, and all other noises, practices and performances creating annoyance or tending to the collection of persons on the streets and sidewalks for the purpose of business, amusement or other purposes.

Section 94.** To direct and control the laying and construction of railroad and street railway tracks, turnouts and switches and prohibit the same in the streets, avenues and alleys, and regulate the location of depot grounds within the City; to require that railroad and street railway tracks, turnouts and switches shall be so constructed as to interfere as little as possible with the ordinary travel and use of the streets, avenues and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams, carriages and other vehicles and persons, and to require the building by railway companies of subways or viaducts; to require railroad and street railway companies to grade, pave

*Act of 1903.

**Amendment of 1914.

and keep in repair the public streets, highways, squares, plazas and other public places through which their tracks may run, such grading, paving and repairs to embrace the space between rails, the space between tracks and a width of **eighteen inches** outside the outermost rails on either side; to require railroad and street railway companies to construct, keep in repair and light crossings at the intersection of their tracks with streets, avenues, alleys, ditches, sewers, culverts, and to regulate the speed of locomotive engines, trains and street cars within said City, and to require the same to come to a full stop at such streets and places as may be deemed necessary by the Council to prevent accidents; provided, that the several powers hereby conferred shall be cumulative to those conferred upon the City by Chapter 11, Title 22, of the Revised Civil Statutes of Texas for 1911.

Section 95.* To exclusively control and regulate everything connected with street railways and to make such rules and regulations for the same as the Commissioner may deem necessary.

Section 96.** To restrict the sale of tickets, passes or other evidence of the right to travel on any railroad or street railway to duly authorized agents of the railroad or street railway company issuing or authorizing the issuance of the same, and to prohibit the sale of all tickets, passes or other evidence of the right to travel on any railroad or street railway by any person other than duly authorized agents of the railroad or street railway company issuing or authorizing the issuance of the same, and to provide penalties for a violation of any ordinance passed under this power.

Section 97.*** To acquire on behalf and for the use of the City by purchase, gift, devise or condemnation any private property or any interests therein, whether such property be

*Amendment of 1914.

**Act of 1903.

***Act of 1907.

situated within or without the limits of said City, which may be necessary or proper for the establishment and maintenance of an efficient system of sewers or for the purpose of establishing a water or electric light plant, and for other proper corporate purposes. Said City is hereby given the right to lay, construct and maintain sewers, water main and outside electrical constructions, in, under, across or along any public street, highway or public grounds, within or without the corporate limits of said City, and to regulate the manner of connecting therewith.

Section 98.* To appropriate private property for the use of the City for streets, alleys, avenues, boulevards, parks, public plazas and squares, sewers, gas works, electric plant, water works, market houses, school houses, or any other public purposes authorized by law, and in such event the Commissioners shall declare, by ordinance, the necessity for such appropriation, describing the property sought to be appropriated and stating the name and residence of the owner, if known, and if unknown stating that fact, and shall cause to be filed with the City Clerk a plat of the property proposed to be condemned, and such private property shall be condemned for the use of the City for the purposes expressed in the ordinance by the same proceedings and under the same rules, so far as applicable, as are now or may hereafter be provided by the general laws of this State for the condemnation of private property for the use of railroad corporations, save and except that the City of San Antonio shall deposit the exact amount of the award pending appeal, if it should desire to proceed with the improvement, and the City shall have the right to assess benefits to the owners of the abutting property, upon such improvements for the opening of streets, plazas and parks, or in any other manner or by and other proceedings authorized by the general laws of this State for the condemnation of private property for public use.

*Amendment of 1914.

Section 99.* To license, regulate and inspect all trades, professions, occupations, callings and business carried on in said City whenever and wherever the Commissioners shall deem such regulation, inspection and license necessary or proper for the good order, public health, public safety or general police regulation of said City, and charge license and inspection fees therefor, and such fees shall not be construed as occupation taxes; and for any purpose relating to the business or affairs of the City, to examine or cause to be produced and examined all books, papers, and records of any person or corporation doing any public utility service, and of persons and corporations holding franchises from the City, to take testimony and compel the attendance and examination, under oath, of witnesses, and to annul and forfeit such franchise or privilege should any officer, agent or employee of any such corporation or franchise holder refuse to produce such books, papers or records, or give testimony.

Section 100.* The Commissioners, in addition to the powers herein enumerated, shall have the power to pass, publish, amend or repeal all ordinances, rules and police regulations not contrary to the Constitution of the State and this Charter, and necessary for the order or good government of the City, or the trade, commerce and health thereof, or that may be necessary and proper to carry into effect the powers here vested in the corporation or any part of its officers; to enforce the observance of all ordinances, rules and police regulations, and to punish violations thereof by fines and imprisonment, or either or both, or by work on the streets, or other public work, as may be provided by ordinance, and required by the judgment of the Corporation Court; provided, that no fine shall exceed

*Amendment of 1914.

two hundred dollars, and no period of imprisonment shall exceed one hundred days in the City jail. Any person upon whom any fine is imposed may be committed until payment of the same and in default thereof may be imprisoned in the City prison, or may be required to work on the streets or other public work in the City, for such time and in such manner as may be provided by ordinance; provided, such imprisonment shall not exceed one hundred days.

Section 101.* Franchises for the use of the streets and public places of the City may be granted by the affirmative vote of four Commissioners, but no franchise or privilege for the use of any of the public streets or other public places of the City shall ever be granted for any but a strictly public purpose, and any grant of a franchise or privilege hereafter made for the use of any of the public streets or other public places within said City, where from the nature of the case the use thereof would be private or only colorably public, or chiefly for private purposes, shall be absolutely void. Provided, that no ordinance granting a franchise shall become operative unless ratified by a majority vote of the qualified voters of the City, if within thirty days after the passage of such ordinance a petition, signed by a number of qualified voters of not less than ten per cent of the voters voting at the previous general City election shall be presented to the Board of Commissioners asking that said ordinance be submitted to a vote of the people. All such elections shall be held in accordance with the general laws governing such elections in said City.

Section 102.* No franchise or privilege or extension granted by the Board of Commissioners of said City shall ever be assigned or transferred by the original grantee or any assignee thereof, without the consent of the Board of Commissioners,

*Amendment of 1914.

to be given by ordinance, and such consent shall not be given in advance in the ordinance granting the franchise or extension, nor shall such consent be given without specifying by name in the ordinance giving the consent to the proposed assignee. Any attempted violation of any of the provisions of this section shall operate a forfeiture of such franchise, nor shall any title pass by voluntary sale of such franchise without the consent of the Board of Commissioners so given.

Section 103.* No franchise or privilege or extension shall ever be granted by the Board of Commissioners of said City for a longer term than twenty-five years, and any extension of the right of way covered by any such franchise shall expire with the term of the original franchise and its extensions, and no franchise or privilege or extension hereafter granted by the Commissioners and held by any corporation shall extend or remain in force beyond the regular expiration of the Charter of the corporation by lapse of time.

Section 104.** The grant of any franchise or privilege for the use of public streets, or any extension of the term or right of way covered thereby, shall be upon and subject to the conditions, whether expressed in the grant or not, that upon acceptance thereof by the grantee, the grantee or other holder of such franchise or privilege shall be bound and obligated to exercise such privilege or franchise throughout its entire term and extensions thereof, and throughout the entire right of way covered thereby, and extensions of such right of way, under penalty of forfeiture of the entire franchise.

Section 105.* Before any grant of a franchise shall be made the proposed specific grant, embodied in the form of an ordi-

*Amendment of 1914.

**Act of 1903.

nance with all the terms and conditions, including the provisions as to rates, fares, prices and charges, shall be published at least three times in some newspaper published in said City, to be designated by the Mayor. Such publication shall be made at least twenty days before the final vote on such ordinance, and the ordinance granting the franchise shall be read in full at three regular meetings of the Board of Commissioners.

ARTICLE III.

TAXATION AND FINANCE.

Section 106.** The Board of Commissioners shall have power by ordinance to annually levy and collect ad valorem taxes as follows: First: For general purposes, not exceeding one dollar and twenty-five cents upon every one hundred dollars valuation. Second: For special purposes not exceeding one dollar and twenty-five cents upon every one hundred dollars valuation; provided, that the total tax rate of the City shall never exceed two dollars and twenty-five cents annually, on the one hundred dollars valuation of all property assessed, according to the last approved assessment roll of the City, except that the tax levied by any improvement district therein, as provided in Section 54, may be not exceeding twenty-five cents annually, in addition to the two dollars and twenty-five cents mentioned above. The ad valorem taxes shall be levied and collected annually on the assessed value of all real and personal estate and property in said City, including all choses in action, franchises and privileges having a situs in said City, though the owners thereof be non-residents. Bonds of the United States, and State of Texas, and of the City of San

**Amendment of 1923.

Antonio, and of all improvement districts therof, shall not be taxed.

Section 106a.* It shall be the duty of the City of San Antonio to assess and collect, free of charge or deduction, all taxes accruing to the Independent School District of the City of San Antonio, and to pay over and cause to be paid over, at least monthly, to the proper officer designated by said Board of Trustees, all moneys belonging to such district and collected by City officials.

Section 107.** The Board of Commissioners shall have power to annually levy and collect occupation taxes, not exceeding one-half the amount of occupation taxes imposed by the State, upon all occupations, callings and professions subject to such taxes by the laws of the State.

Section 108.** The Board of Commissioners shall have power to create special funds for special purposes, but shall not have power to transfer money from one fund to another, except that when there is an excess in the general fund over current expenses, such excess or part thereof may be transferred to any of th special funds. The City depository shall not honor any draft upon the fund designated for the payment of the interest upon the public debt and for the creation of a sinking fund for its ultimate payment, except those drafts for such purposes, but said sinking fund may be appropriated at any time to reduce the public debt by the purchase and cancellation of outstanding City bonds, or for the investment of such sinking fund in bonds

*Amendment of 1911.

**Amendment of 1914.

of the United States, or State of Texas, or of the City of San Antonio, or of any improvement district thereof, or of Bexar County, Texas, nor shall the City depository honor any draft drawn upon the fund set aside for permanent building improvements, except those drawn in payment for such improvements in pursuance of an ordinance providing for the erection or construction of such permanent public improvements.

Section 109.* The City, or any creditor of the City, injured by a wrongful diversion or payment of special funds by the depository, shall be entitled to maintain in any court of competent jurisdiction an action against the depository and sureties upon its official bond for the recovery of damages sustained.

Section 110.* The Board of Commissioners shall have the power by ordinance to direct the deposit of all money of the City in any bank, banks, or trust company, in the City of San Antonio, which the Board of Commissioners may designate, and the officer or employee making such deposit shall not be responsible for the loss of any money of the City while so deposited by reason of the failure of such banks or trust company. Such banks, bank, or trust company, shall give the City security for the full amount of such deposit, and pay to the City not less than three per cent interest on such deposits, and the Commissioners may provide further regulations and safeguards with regard to such depositories.

Section 111.* All salaried officers and employees shall be entitled to warrants for their salaries at the end of every month, unless the term of their employment shall be for an

*Amendment of 1914.

uncertain or shorter period, and the Commissioners shall prescribe the manner of issuance of said monthly warrants. All day laborers or other persons performing services for the City for uncertain periods may be paid weekly in such manner as the Commissioners may prescribe upon pay rolls duly certified; provided, that the regular force of the City employees in the service of the City as day laborers shall not be added to or increased at any time within thirty days prior to the date of any State and County or City election.

Section 112.* All creditors of the City having audited or established claims against the City shall be entitled to warrants therefor drawn upon the City depository, which shall be numbered, designating the fund out of which the same are payable, but such warrants shall not bear interest, and shall be paid in the order of their issuance by months and by numbers, so that no preference shall be shown to any person; but said warrants shall be drawn in the same order as the claims may be audited, approved or established by the action of the Board of Commissioners or under its direction or by the judgment of a court of competent jurisdiction.

Section 113.* The City shall not recognize transfers or assignments of salaries or wages, nor shall any officer of the City receive or honor any drafts or order drawn by any person against his salary or wages, but the warrant or money shall in every instance be delivered or paid to the person entitled thereto according to the City's accounts; nor shall any officer of the City issue any certificates of indebtedness. Nothing herein contained shall prevent the holder of a warrant from transferring it. Provided, that if the Commissioners so declare by ordinance, a warrant for the total amount of any pay roll may be drawn in favor of the person paying such pay roll, and such warrant shall have the same legal standing and effect as warrants drawn under Section 52 of this Charter.

*Amendment of 1914.

Section 114.* Before the delivery of any warrant by the Auditor to the payee thereof, the Auditor shall carefully ascertain whether or not such person is in any manner indebted to the City for matured taxes or debts of any kind, and if he shall find that such payee is so indebted to the City, he shall not deliver such warrant unless such person shall then and there actually pay such taxes or debts to the proper receiving officer. If such payee refuses to pay such taxes or debts, the Auditor shall refuse delivery of such warrant, and shall make report thereof at the next meeting of the Board of Commissioners, together with a statement of the nature of the claim asserted by the City against the payee, and in such case, the Auditor shall await the action of the Board of Commissioners before delivering such warrant; provided, however, that this section shall apply only to persons receiving warrants for their compensation and shall not apply to current wages of those persons who are to be paid weekly.

Section 115.** City warrants shall not bear interest and shall not be receivable for taxes nor any other debts or demands due the City, but all taxes and dues shall be payable to the City in lawful legal tender money of the United States.

Section 116.* All City taxes shall be levied, assessed, and collected in the same manner as may be provided by the laws of the State for the levy, assessment and collection of State and County taxes, unless herein otherwise provided. The Commissioners shall act as a Board of Equalization without further compensation, and three members of said Commissioners shall

*Amendment of 1914.

**Act of 1903.

constitute a quorum for this purpose. The Board of Equalization shall revise and correct all assessments made in said City in the same manner as the same are revised and corrected by the Commissioners' Court in cases of State and County taxation, and said Board shall fix its time of meeting and give notice thereof. Said Board shall assess all property at its reasonable market value and shall equalize all assessments as near as may be. Said Commissioners, as a Board of Equalization, shall have power to summon any of the property owners before them, shall have power to administer oaths and to punish for contempt, not exceeding a one hundred dollar (\$100) fine. Any person failing to appear before said Board, or failing to give evidence or answer any question as to his property or any part thereof, or its location or value, shall be deemed guilty of contempt within the meaning of this section. The Board shall have the right to adopt any manner of assessment so as to equalize taxes as near as possible, and at the conclusion of its work each year the Commissioners shall sign a written oath that they have inquired into the value of all property subject to taxation and have assessed said property at its reasonable and fair market value. The Commissioners may, by ordinance, regulate the mode and manner of assessing and collecting City taxes, as the Commissioners may deem proper although not in accordance with the provisions of the State laws governing the assessment and collecting of County taxes, and may provide for the advertisement and sale of property for delinquent taxes in such manner as they may deem proper and provide for the payment of costs of such advertisement and sale and execution of deeds to be made against the owner of such property. A purchaser of property at a tax sale shall be subrogated to all the rights of the City with reference to the collection of taxes against said property.

Section 117.* If the Commissioners should fail, refuse or neglect to pass an ordinance for any one year, levying the taxes for that year, the ordinance last passed levying taxes will be considered in force and a failure to pass such an ordinance shall in no wise invalidate the collection of any taxes.

Section 118.** The fiscal year of the City shall begin on the first day of June and end on the thirty-first day of May of each year, and all persons and property not exempt by the Constitution and laws of the State shall be subject to City assessment and taxation as of the first day of June of each year in like manner as property is subject to assessment and taxation by the State and County as of the first day of January of each year.

Section 119.* All ad valorem taxes for each fiscal year shall become due on the first day of April of each fiscal year, and shall be paid before the first day of June next following and from such first day of June shall bear interest at the rate of six per cent per annum, and the Commissioners shall not have power to extend the time for the payment of taxes.

Section 120.* All persons and property owners failing to pay their annual taxes for any fiscal year before the first day of June next following the levy of same, shall in addition to interest, be charged a penalty of two per cent upon the principal amount due for the first month or part of a month of such delinquency, and thereafter in addition to interest, a penalty of two per cent upon the principal amount due for each additional month or fraction thereof of such delinquency; and neither the Commissioners nor the Commissioner of Taxation shall have power to remit such penalties, interest or any costs due the

*Amendment of 1914.

**Act of 1903.

City; provided, that the aggregate penalties to be charged shall never exceed ten per cent, and shall be charged on the original principal amount only, and such penalties shall not bear interest.

Section 121.* The annual assessment made upon property within said City for taxes due said City, shall be a special lien upon said property, and all property, both real and personal, belonging to any delinquent taxpayer, shall be liable to seizure and sale for the payment of all taxes, interest, penalties and costs due said City by such delinquency, and such property may be sold for the payment of taxes, interest, penalties and costs due the City by such delinquent, under such regulations as the Legislature may have provided, or may hereafter provide for the collection of State and County taxes, or as may be provided by the Commissioners or under decree of court.

Section 122.** The City may bring suit in any court of competent jurisdiction in any action at common law for the recovery of any taxes due said City, with interest, penalties and costs due thereon, and for the foreclosure of the tax lien upon such property, but this remedy shall be cumulative of all other remedies.

Section 123.** All taxes delinquent for ten years before any suit is filed to collect the same shall be barred by limitation; provided, that this section shall not affect judgments already rendered, nor suits pending when this act takes effect, nor the validity of tax titles hereinbefore made, and provided, further, that this section shall not take effect until one year after the passage of this Act.

*Amendment of 1914.

**Act of 1903.

Section 124.* It shall be the duty of the Auditor immediately after the passage of this Act, to cause a notice to be published for thirty days in one or more papers in the City of San Antonio, requesting all parties holding claims, excepting bonds, against the City of San Antonio, to immediately file same with the Auditor. At the expiration of said thirty days the City Council shall pass upon such claims as may be filed, together with all other claims that may have been previously filed and not acted on by the Council, and by ordinance allow or reject such claim. Within thirty days thereafter the Auditor shall prepare a statement, verified by oath, of the entire unbonded indebtedness of the City of San Antonio, so allowed by the Council, or adjudged to be due by final decree of any court of competent jurisdiction, and cause the same to be published for one week in a paper in San Antonio. Thereafter, it shall be the duty of the Auditor within ten days after the first day of each quarter of the fiscal year to prepare a statement, verified by oath as follows:

“Balance of unbonded indebtedness of the City of San Antonio reported on.....day of....., 19....., \$..... amount of indebtedness incurred during the quarter ending.....day of....., 19..... \$.....; total payments made on account of foregoing indebtedness, during quarter ending.....day of....., 19....., \$.....; balance of unbonded indebtedness, \$.....,”

The Auditor shall immediately thereafter cause such statement to be published in a paper published in the City of San Antonio. A willful failure to prepare the statement required by this section shall subject the Auditor to fine of not less than \$10.00 nor more than \$100.00 for each day that the publication of said statement is omitted.

*Amendment of 1907.

Section 125.* This Act shall be deemed a public Act, and may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places. But no general law hereafter passed by the Legislature of the State of Texas, nor any general law of said State now in force, shall be held to repeal or affect any power herein granted, or which is hereby vested in said City or its City Council, unless by the express terms of such law the same be declared applicable to cities incorporated by special charter.

Section 126.* That an Act of the Legislature of the State of Texas, approved August 13, 1870, entitled "An Act to incorporate the City of San Antonio, and grant a new charter to said City," and to repeal an Act entitled "An Act to incorporate the City of San Antonio," approved July 17, 1856, and an Act entitled "An Act to amend the Act to incorporate the City of San Antonio," approved February 11, 1860, and all acts amendatory of said Act, approved August 13, 1870, be and the same are hereby repealed.

Section 127.** The City Purchasing Agent shall be a qualified voter of the City of San Antonio, at least thirty (30) years of age, and shall have resided in said City for at least one (1) year next preceding his appointment. His salary shall be two hundred dollars per month. It shall be his duty to purchase, subject to the supervision of the City Council or Commissioners, all materials and supplies of any character whatsoever to be used by the City of San Antonio. All purchases shall be made on competitive, sealed bids, the contracts to be awarded to the lowest bidder, and in all cases where such supplies are not purchased from the lowest bidder, the contract for the purchase thereof shall not be let until the City Council or Commissioners approve such purchase from such other bidder. All competitive bids shall be opened in the presence of the City Council or

*Act of 1903.

**Amendment of 1914.

Commissioners and thereafter shall be filed in the office of the Auditor subject to the inspection of anyone desiring to see them. In all cases where bids are not satisfactory it shall be the duty of the Purchasing Agent to reject said bids and re-advertise for new bids; provided, however, in case of emergency, purchases, not in excess of one hundred (\$100.00) dollars may be made without advertising for bids, but in each case the written consent of the Mayor must be obtained. The Purchasing Agent shall advertise for bids in some newspaper published daily in the City of San Antonio for such a period as may be fixed by the City Council or Commissioners, but which shall not be less than five (5) days. The City of San Antonio shall not be obligated to pay for any materials or supplies not purchased in accordance with the provisions of this Section. The Purchasing Agent shall be required to furnish bond payable to the City of San Antonio in the sum of not less than Twenty-five Thousand (\$15,000.00) Dollars with two (2) or more good and sufficient sureties, conditioned on the faithful performance of his duties as Purchasing Agent, which bond shall be approved by the City Council or Commissioners. The Purchasing Agent shall prescribe requisition blanks for the different departments and requisitions shall be made out and signed in quadruplicate one (1) copy of which shall remain with the office making such requisition, one to be filed with the City Clerk, for the use of the City Council or Commissioners, and one to be given to the merchant furnishing the supplies, and another to be delivered to the Auditor. The Purchasing Agent shall also prescribe forms showing that the officer or employee making the requisition has received all supplies so requisitioned, or if he has not received them, the reason therefor, and said report shall be made in quadruplicate and distributed as above provided for requisitions. He shall perform such other duties as the City Council or Commissioners may prescribe.

Section 128.*—Paragraph 1: The holder of any elective office may be removed at any time by the qualified voters of the City of San Antonio. The procedure to effect the removal of any such officer shall be as follows: A petition signed by ten (10) per cent of the qualified voters of the City of San Antonio, demanding the removal of such officer shall be filed with the City Secretary, which petition shall contain a general statement of the ground or grounds for which the removal is sought. The signatures to the petition need not be all appended to one paper, but each signer shall add to his signature his place of residence, giving the street number, and one of the signers of each of such papers shall make oath before an officer authorized to administer oaths, that each signature to the paper appended is a genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition, the City Clerk shall examine said petition, and from the list of qualified voters of the City hereafter mentioned, ascertain whether or not said petition is signed by the requisite number of qualified voters, and he shall attach to said petition his certificate showing the result of said examination, stating the number of qualified voters found upon said petition and the number of persons not qualified to vote, and in checking said petition, the City Clerk shall designate the names of persons found thereon not qualified to vote with the letters: "D. V." in red ink oposite such name or names. If, by the City Clerk's certificate, the petition is shown to be insufficient, it may be amended in ten days from the date of said certificate. The City Clerk shall, within ten days after said amendment is filed with him, make a like examination and check off the names thereon, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition is shown to be sufficient by the certificate of the Clerk he shall submit the same to the City Council or

*Amendment of 1914.

Commissioners without delay, and the City Council or Commissioners shall immediately cause to be opened a recall register, which shall show that the same is opened for the purpose of permitting voters to register their desire upon the question of the recall of the officer named in the petition theretofore filed. Said register shall remain in the City Clerk's office accessible to the citizens at all times between the hours of 9 a. m. and 7 p. m. daily, except Sundays; and any voter desiring to register shall do so by signing said register in person. He shall before signing said register exhibit his poll tax receipt or receipts showing that he is a qualified voter in said City. Said register shall remain open for twenty days, and if at the expiration of such time, qualified voters to the number of 25 per cent of the qualified voters of the City of San Antonio shall have signed said recall register the City Council or Commissioners shall immediately fix the date for holding such election to determine whether or not the officer against whom the petition is filed shall be removed. Said election shall be held not less than thirty days nor more than forty days from the date of the Clerk's certificate of the sufficiency of the recall register. The City Council or Commissioners shall make or cause to be made publication in a daily paper published in the City of San Antonio for three consecutive days at least twenty days preceding such election and shall state therein when said election will be held and the purpose of holding the same. The City Council or Commissioners shall cause all arrangements for holding said election to be made and the same shall be held and conducted, returned and the results thereof declared in all respects as are other City elections, and in the manner hereinbefore provided, except the City Clerk shall cause to be printed and used the following ballot:

OFFICIAL REMOVAL BALLOT.

For Removal of

From the Office of

For Removal

Against Removal

Attest

.....
City Clerk of San Antonio, Texas.

Paragraph 2: In voting said ballot, the voter shall indicate his vote in favor of removal by scratching or running a line through the words: "Against Removal," and shall indicate his vote against removal by scratching or running a line through the words: "For Removal."

Paragraph 3: If the majority of the votes cast at such election shall be in favor of removal, the City Council or Commissioners shall immediately declare the results of such election and declare said office vacant, and shall immediately order an election to fill such vacancy, as hereinbefore provided. An officer thus removed shall not be a candidate to succeed himself. If the majority is against removal, the incumbent shall continue in office. This method of removal from office shall be cumulative and additional to all other methods of removal.

Section 129.* The citizens of the City of San Antonio may propose and submit to the City Council or Commissioners ordinances in the following manner: By petition signed by at least ten (10) per cent of the qualified voters of the City of San Antonio. The petition shall set forth the proposed ordi-

*Amendment of 1914.

nance and contain a request that the same be enacted into law by the City Council or Commissioners. The signatures to such petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number. One of the signers of each paper shall make oath before some officer authorized to administer oaths, that each signature to the paper appended is the genuine signature of the person whose name it purports to be thereunto subscribed. Within ten days from the date of filing of such petition, the City Clerk shall examine the same and from the list of qualified voters of the City hereafter mentioned, ascertain whether or not said petition is signed by the requisite number of qualified voters, and he shall attach to said petition his certificate showing the result of such examination, stating the number of qualified voters found upon said petition, and the number of persons not qualified to vote. In checking said petition the City Clerk shall designate the names of persons found thereon not qualified to vote, with the letters: "D. V." in red ink opposite such name or names. If by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall within ten days after such amendment is filed with him, make a like examination and check off the names thereon and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition is shown to be sufficient by the certificate of the City Clerk, he shall submit the same to the City Council or Commissioners without delay, and the City Council or Commissioners shall immediately cause to be opened a register which shall show that the same is opened for the purpose of permitting voters to register their desire for the passage or rejection of the ordinance proposed in the petition theretofore filed. Said register shall remain in the City Clerk's office

accessible to the citizens at all times between the hours of 9 a. m. and 7 p. m. daily, except Sundays, and any voter desiring to register shall do so by signing said register in person. He shall before signing said register exhibit his poll tax receipt or receipt showing that he is a qualified voter in said City. Said register shall remain open for twenty (20) days and if at the expiration of such time qualified voters to the number of twenty-five (25) per cent of qualified voters of the City of San Antonio shall have signed said register for the passage of said ordinance, the City Council or Commissioners shall either (a) pass the ordinance set out in said petition without alteration within ten days after the date of the Clerk's certificate of sufficiency of said register; or (b) submit the same to the vote of the qualified voters of the City at a special election to be called for that purpose within forty (40) days from the date of the certificate aforesaid unless a general municipal election is fixed within ninety days thereafter, and then at such general municipal election such ordinance shall be submitted without alteration of any kind. The ballot used in voting upon an ordinance shall contain these words: "For the Ordinance," stating the nature of the proposed ordinance, and "Against the Ordinance," stating the nature of the ordinance proposed. If a majority of the qualified votes cast is in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City, and any ordinance so enacted shall not be repealed or amended, except by vote of the people. Any number of ordinances may be voted upon at the same election in accordance with the provisions of this article. The City Council or Commissioners may submit a proposition for the repeal of any such ordinance or amendments thereto to be voted upon at any general municipal election and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly.

Section 130.* Whenever any ordinance, or proposition, is required by this Charter to be submitted to the voters of the City at any election, the City Clerk shall cause the ordinance or proposition to be published at least three times in a daily newspaper published in the City of San Antonio, said publication to be not more than twenty, nor less than ten days before the submission of such proposition or ordinance to the vote of the people.

Section 131.* No ordinance passed by the City Council or Commissioners shall go into effect before the expiration of ten days from the time of its final passage, except when otherwise required by the Federal Laws or the State Laws, or by the provision of this Charter, and except an ordinance for the immediate preservation of public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifth vote of the Commissioners; and if during said ten days a petition signed by ten per cent of the votes cast for Mayor at the last preceding general election protesting against the passage of such ordinance shall be presented to the Commissioners, the same shall thereupon be suspended from going into effect, and the Commissioners shall immediately cause to be opened a register which shall show that the same is opened for the purpose of permitting voters to register their protest against the passage of said ordinance proposed in the petition theretofore filed. Said register shall remain in the City Clerk's office accessible to the citizens at all time between the hours of 9 a. m. and 7 p. m., daily, except Sundays, and any voter desiring to register shall do so by signing said register in person. He shall before signing said register exhibit his poll tax receipt or receipt showing that he is a qualified voter in said City. Said register shall remain open for twenty (20) days and if at the expiration of such time qualified voters to the number of 25 per cent of the votes cast for Mayor at the last preceding

*Amendment of 1914.

general election of the City of San Antonio shall have signed said register protesting against the passage of said ordinance, it shall be the duty of the City Council or Commissioners to reconsider such ordinance, and if the same is not entirely repealed, the City Council or Commissioners shall submit the ordinance to a vote of the people, as provided in Section 120, either at the next general election or at a special election to be called for that purpose, and such ordinance shall not then go into effect or become operative, unless a majority of the qualified voters, as above recited, of the City of San Antonio, shall vote in favor of the same. Said petition shall be in all respects in accordance with the provisions of Section 130, except that it shall not be subject to amendment, and shall be examined and certified by the City Clerk as herein provided. Nothing herein contained shall affect or repeal the provisions of Section 101, providing for a referendum vote franchise.

Section 132.* Be it further enacted, That every member of the City Council or City Commissioners of San Antonio shall have the power to administer oaths and affirmations, and said City Council or City Commissioners of the City of San Antonio shall have the power to issue subpoenas to compel by subpoena the production of books and papers, accounts and the attendance of witnesses, and to take and hear testimony concerning any matter or thing pending before such City Council or City Commissioners of the City of San Antonio.

If any person so subpoenaed neglects or refuses to appear or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before said City Council or City Commissioners of the City of San Antonio, to answer any competent question, he shall be deemed in contempt, and said City Council or City Commissioners of the City of San

*Amendment of 1914.

Antonio shall have power to take proceedings in that behalf as provided by the general laws of the State. The Chief of Police must, on request of the said City Council or City Commissioners of the City of San Antonio, detail a police officer or police officers to serve such subpoena or subpoenas.

Section 133.* All provisions in any Charter, ordinance or resolution of the City of San Antonio, relating to the assessment, levy and collection of poll taxes shall be, and the same hereby are, repealed, and that the assessment and collection of City poll taxes is hereby abolished.

Section 134.* All rules, regulations and ordinances of the City, which shall be in force when these amendments take effect, and not in conflict herewith, shall remain in full force and effect until otherwise amended, altered or repealed. All officers of the City of San Antonio at the time these amendments take effect shall remain in office until the Mayor and Commissioners herein provided for are elected and have qualified under these amendments, and, until such time, the officers of this City in office when these amendments take effect shall exercise the rights and duties of such office in the manner prescribed by the present Charter.

Section 135.* Should any of these amendments, or any part of any one or more of these amendments, for any reason, be held to be invalid or inoperative, no other part or parts shall be affected thereby, and if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective, the general provision shall, nevertheless, stand effective and valid as if it had been enacted without exception or limitation.

*Amendment of 1914.

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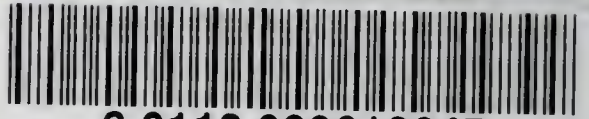
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